

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 1st day of September, Two thousand six.

PRESENT:

RALPH K. WINTER
JOSÉ A. CABRANES
ROSEMARY S. POOLER
Circuit Judges

-----X
UNITED STATES OF AMERICA,

Appellee,

-v.-

No. 03-1737-cr

RICHARD N. AMICO,

Defendant-Appellant,

ROBERT J. AMICO,

Defendant.

-----X
APPEARING FOR APPELLANT:

NATHAN Z. DERSHOWITZ (Victoria B. Eiger, *on the brief*), Dershowitz, Eiger & Adelson, P.C.,
New York, NY

APPEARING FOR APPELLEE:

JOHN-ALEX ROMANO, (Patty Merkamp Stemler,
United States Department of Justice, Washington,
DC; Terrance P. Flynn, United States Attorney,
Richard A. Resnick, Assistant United States
Attorney, United States Attorney's Office for the
Western District of New York, Buffalo, NY),
United States Department of Justice, Washington,
DC

Appeal from an order of the United States District Court of the Western District of
New York (Charles J. Siragusa, *Judge*).

**UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED,
AND DECREED** that the cause is **REMANDED**.

The Defendant, Richard N. Amico, has moved for bail pending appeal. In some measure because of incomprehensible delays in the preparation of transcripts by the official court reporter assigned to Judge Siragusa, the appeal in this action and the filing of the motion for bail has been unduly delayed. A review of the record indicates the presence of substantial questions on appeal, including questions regarding whether the district judge presiding over the trial of Amico ought to have recused himself. We intimate no view on the ultimate merits of Amico's claims on appeal. In view of the issues raised on appeal, we remand the cause to the district court for the sole purpose of entertaining a renewed motion for bail pending appeal and direct that the case be assigned to a judge other than the judge who presided at trial. In the meantime, the appeal on the merits shall be EXPEDITED and heard by a merits panel as soon as practicable. If and when there is an appeal of any further order of the District Court on a renewed motion for bail, that appeal shall likewise be EXPEDITED and, if at all possible, assigned to the panel that will hear the appeal on the merits.

The mandate, limited to the bail application referred to above, shall issue forthwith.

FOR THE COURT,
Roseann B. MacKechnie, Clerk of Court

By _____